



August 7, 2019

VIA ECF

Hon. Elizabeth S. Stong
U.S. Bankruptcy Court, EDNY
Conrad B. Duberstein Courthouse
271-C Cadman Plaza East - Suite 1595
Brooklyn, NY 11201-1800

Re: *Tashanna B. Golden, et al. v. National Collegiate Student Loan Trust 2005-3, et al., Adv. Pro. No. 1-17-01005(ESS*

Dear Judge Stong:

We represent Plaintiff in the above-referenced matter and we request a telephone conference to resolve a discovery dispute.

Plaintiff has sought the servicing guidelines that Defendant Firstmark follows when collecting on student loans, including what actions it takes after the borrower obtains a bankruptcy discharge. Firstmark has agreed to produce some of these servicing guidelines and has refused to produce others without a court order.

Firstmark does not dispute that the information is relevant, responsive and in their custody and control. Instead Firstmark contends that the information is confidential as between it and the owner of the loans who hired Firstmark to do the collections. However, private parties cannot contract away a party's obligations under the Federal Rules of Civil Procedure. Further, there is already a Stipulated Protective Order in this case with varying levels of protection that would limit the use and disclosure of the information.

Accordingly, Plaintiff requests a conference for the purpose of ordering Firstmark to produce the servicing guidelines.

Respectfully Submitted,

/s/ Adam R. Shaw
Adam R. Shaw

ARS/mjk
cc: All counsel record (via ECF)

BOIES SCHILLER FLEXNER LLP